IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 25518 of 2006(K)

PETITIONER:

**SABOORA BEEVI, W/O.YOOSUF, AGED 38,
HOUSE HOLD AFFAIRS, RESIDING AT
ULLADANPARAMPU, NEERKKUNNAM, ALAPPUZHA DISTRICT,
AMBALAPPUZHA VILLAGE, AMBALAPPUZHA TALUK.**

**BY ADV. SRI.MAURICE VINCENT
SRI.PRADEEPKUMAR JOSEPH.**

RESPONDENTS:

**1. THE STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, KERALA STATE ELECTRICITY BOARD,
VAIDHUTHI BHAVANAM, PATTOM,
THIRUVANANTHAPURAM.**

**2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KERALA STATE
ELECTRICITY BOARD, AMBALAPPUZHA,
ALAPPUZHA.**

**3. K. PURUSHOTHAMAN, AGED ABOUT 65,
HOUSEHOLD AFFAIRS, RESIDING AT `AMBILY',
NEERKUNNAM, AMBALAPPUZHA VILLAGE,
AMBALAPPUZHA TALUK, ALAPPUZHA DISTRICT.**

**4. ABIDA, AGED ABOUT 50,
RESIDING AT HOUSE NO.1223, WARD XIV,
KIZHAKKEPARALIL, NEERKKUNNAM, AMBALAPUZHA NORTH
PANCHAYAT, AMBALAPPUZHA VILLAGE & TALUK,
ALAPPUZHA DISTRICT.**

**5. IBRAHIMKUTTY, AGED ABOUT 38,
BUSINESS, RESIDING AT NOORMAHAL, NEERKUNNAM
AMBALAPPUZHA VILLAGE & TALUK,
ALAPPUZHA DISTRICT.**

6. BALAN, AGED ABOUT 55, BUSINESS,
RESIDING AT KIZHAKKEPARALIL,
NEERKKUNNAM, AMBALAPPUZHA VILLAGE,
AMBALAPPUZHA TALUK, ALAPPUZHA DISTRICT.

BY ADV. SRI.A.MOHAMMED --R4
SRI.JUDE B.ALEX
ADV. SRI. JOSE J.MATHEIKEL,SS KSEB.
GOVERNMENT PLEADER SMT. M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 25518/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 18/08/2006 OF THE ADDL. DIST MAGISTRATE ALAPPUZHA.

EXT.P2. COPY OF THE PLAN.

RESPONDENT'S EXHIBITS

EXT.R4A. COPY OF THE SITE PLAN PREPARED BY THE ELECTRICITY BOARD.

True copy

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K.BALAKRISHNAN NAIR,J.

WP(C)NO.25518 OF 2006-K

Judgment

The petitioner challenges Ext.P1 order of the Additional District Magistrate, permitting the drawing of an electricity line to the 4th respondent's residence through her property. The main ground of attack against Ext.P1 is that it has been passed relying on a report of the Tahsildar dated 03.07.2006. The petitioner has not been given a chance to object to the said report. The petitioner suggests other routes which, according to her, is more feasible and less expensive. She prays for remanding the matter to the RDO for taking a fresh decision in the matter.

2. The 4th respondent has filed a counter affidavit, stating that the application for power supply was made by the petitioner's mother in the year 2001, her mother is no more and now, she is pursuing that application. The present route accepted is the most feasible and less expensive. It is also the shortest. If the route suggested by the petitioner is accepted, it will be longer than the accepted route and therefore, more expensive.

3. I heard the learned Standing Counsel for the Electricity Board also. The 4th respondent has produced Ext.R4(a) sketch along with IA No.2959/07. It is a sketch prepared by the KSEB. The said sketch would show that the approved route traverses only a distance of 14.3 metres over the property of the petitioner from Point D to the pathway on the northern side. If the line is drawn from Point A, it will traverse 73 metres through the property of Mr.Purushothaman, the third

respondent herein. If it is drawn from Post B, it will traverse a distance of 75 metres through the property of the sixth respondent Mr.Balan. Similarly, if the line is drawn from post C, it will traverse 73 metres through the property of the 5th respondent Mr.Ibrahimkutty. So, going by the sketch Ext.R4(a), the route approved by the Additional District Magistrate in Ext.P1 is the shortest and the least expensive. But, the petitioner would submit that the measurements given in Ext.R4(a) are not correct. Though counter affidavit was filed by the 4th respondent as early as on 03.11.2006, the petitioner has not so far filed any reply affidavit. Therefore, the said contention of the petitioner regarding the measurements in Ext.R4(a), cannot be accepted. In the result, no ground has been made out warranting interference with Ext.P1. Accordingly, the Writ Petition fails and it is dismissed.

28.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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